

IN THE
UNITED STATES
PATENT AND TRADEMARK
OFFICE

<i>Application Number</i>	10/526,416
<i>Filing Date</i>	March 2, 2005
<i>First Named Inventor</i>	Matthew M. TERRY
<i>Group Art Unit</i>	3641
<i>Examiner Name</i>	Stephen Johnson
<i>Attorney Docket Number</i>	3053.136.US (00820-03)

Title of the Invention: BLAST AND BALLISTIC PROTECTION SYSTEMS AND METHODS OF
MAKING SAME

PETITION UNDER 37 CFR § 1.144

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final restriction requirement in the Office action mailed October 1, 2007, Applicant hereby petitions from the withdrawal from consideration of claims 10, 11 and 15.

REMARKS

This is a petition from the final requirement for election of species, withdrawing from consideration claims 10, 11 and 15.

The withdrawal from consideration of claims 10, 11 and 15 as allegedly being directed to non-elected species is in error. Applicant selected the species of Fig. 4 in response to the election requirement dated March 2, 2006. Contrary to the position in the Office action of October 1, 2007, the elected species of Fig. 4 in fact does disclose a truss unit 26 having leg members, and a core that has an open cell foam 29. See Fig. 4.

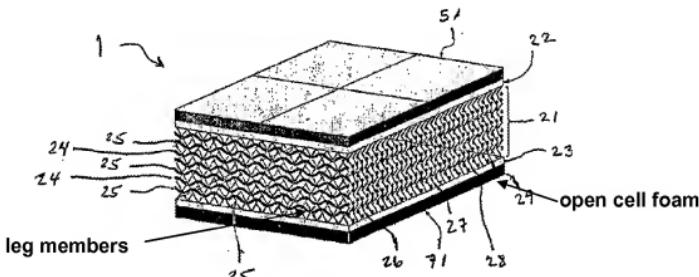
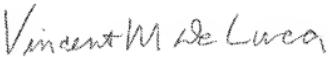


FIG. 4

While the Office action alleges that "nothing in Fig. 4 has been described as a leg member," it is apparent from Fig. 4 itself that the truss unit 26 in fact contains leg members, shown as diagonally extending members that extend from a common point. It is well-established that the drawings are part of the written description of a patent application and may alone provide a "written description" of an invention. See Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991). Further, the Office action does not dispute that an open cell foam 29 is shown in Fig. 4. Accordingly, the restriction of claim 15 is improper on the record.

In view of the above, the Director is requested to reinstate claims 10, 11 and 15 for consideration on the merits.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17
to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,					
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